

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
BUTTE DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

U.S. MINERALS, INC.,

Defendant.

CR 21–25–BU–DLC

ORDER

Before the Court is United States Magistrate Judge Kathleen L. DeSoto’s Findings & Recommendation Concerning Plea. (Doc. 16.) Because neither party objected, they are not entitled to *de novo* review. 28 U.S.C. § 636(b)(1); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003). Therefore, the Court reviews the Findings and Recommendation for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981). Clear error exists if the Court is left with a “definite and firm conviction that a mistake has been committed.” *United States v. Syrax*, 235 F.3d 422, 427 (9th Cir. 2000).

U.S. Minerals, Inc. is charged with one count of Clean Air Act Violation – Negligent Endangerment, in violation of 42 U.S.C. § 7413(c)(4). (Doc. 1.) Judge DeSoto recommends that this Court accept U.S. Minerals, Inc.’s guilty plea after it appeared before her pursuant to Federal Rule of Criminal Procedure 11. The Court

finds no clear error in Judge DeSoto's Findings and Recommendation and adopts them in full, including the recommendation to defer acceptance of the Plea Agreement until sentencing when the Court will have reviewed the Plea Agreement and Presentence Investigation Report.

Accordingly, IT IS ORDERED that Judge DeSoto's Findings and Recommendation (Doc. 16) is ADOPTED in full.

IT IS FURTHER ORDERED that U.S. Minerals, Inc.'s motion to change plea (Doc. 9) is GRANTED.

IT IS FURTHER ORDERED that U.S. Minerals, Inc. is adjudged guilty as charged in the information.

DATED this 8th day of September, 2021.



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Dana L. Christensen, District Judge  
United States District Court